

HAMPTON ZONING BOARD OF ADJUSTMENT
MINUTES – Amended
May 19, 2016

Members Present

Bryan Provencal, Chairman
Bill O'Brien, Vice Chairman
Norma Collins, Clerk
Ed St. Pierre
Ken Lessard, Alternate

Others Present

Joan Rice, Secretary

Chairman Provencal called the meeting to order at 7:01 p.m.

The Pledge of Allegiance was said.

Chairman Provencal introduced the members of the Board.

PETITION SESSION

05-16...The petition of Miles Cook for property located at 597 Lafayette Rd. seeking relief from Article IV Table II 4.5.1 to replace existing "Epic Carpet Store" sign with Seacoast Powersports Sign having a 2 ft. front setback where 10 ft. is required. This property is located on Map 126, Lot 56-1 and in the TC-N Zone.

Miles Cook, owner of Seacoast Powersports, came forward. Mr. Cook said he would like to replace the present "Epic Carpet Store" sign with a "Seacoast Powersports" sign. The existing sign has been there for years and has never been a concern to anyone. This new sign will be more uniform to area signs. Mr. Cook went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if the new sign would be in the same location as the existing sign. Mr. Cook said it would. Mr. St. Pierre asked if it would be the same height. Mr. Cook said it would be taller. Mr. O'Brien asked if the sidewalk was on Mr. Cook's property. Mr. Cook said one-half of the sidewalk is on his property. Mr. O'Brien said he would not want the sign to go over the edge of the sidewalk. Mr. Cook said they would make sure that it doesn't.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Ms. Collins said this requested sign would be in front of Burger King and other signs mentioned. Others are just on their buildings. Mr. Lessard noted that the Walgreens sign is right on the sidewalk. Chairman Provencal said this sign would be smaller than what is allowed. Mr. St. Pierre said there are other similar signs and this definitely is a hardship.

Mr. O'Brien asked if this will be a message board sign. Mr. Cook said it would be. Mr. O'Brien informed Mr. Cook that the copy on the sign cannot change more than once a minute for safety reasons.

Moved by Mr. O'Brien, seconded by Mr. Lessard, to grant Petition 05-16 with the condition that the westward edge of the sign will not appear over the sidewalk and that Mr. Cook has been notified that the copy cannot change more than once a minute.

Chairman Provencal asked the Board if they felt the five criteria had been met. Chairman Provencal, Mr. O'Brien, Mr. St. Pierre and Mr. Lessard agreed that they had. Ms. Collins abstained.

Vote: 4 yes, 0 no, 1 abstention (Collins). Motion passed.

06-16...The petition of Miles Cook for property located at 597 Lafayette Rd. seeking relief from Article IV Table II to increase size of Yamaha Sign from 2' x 6' (12 square feet) to 4' x 12' (48 square feet). Net increase 36 square feet. This property is located on Map 126, Lot 56-1 and in the TC-N Zone.

Miles Cook, Petitioner, and Brian Anderson of Yamaha came forward. Mr. Cook said they want to increase the size of the Yamaha sign from 12 square feet to 48 square feet. Mr. Cook went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked if Mr. Cook had previously had a case before the Board to allow multiple signs. Mr. Cook said that was true.

Chairman Provencal said the sign had to be 36 square feet. Also, the standard outdoor sign is 4' x 12'.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Mr. St. Pierre said the Board has granted comparable variances to others and it is important to be fair.

Mr. Lessard said this is a good sized building so the signs will not overcrowd the building. Chairman Provencal said the petitioner is only asking to make the sign a little bit bigger.

Moved by Mr. Lessard, seconded by Chairman Provencal, to grant Petition 06-16 with the condition that the signage not exceed 132 square feet.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

10-16...The petition of William & Sherlyn McIver for property located at 23 Emerald Ave. seeking relief from Article IV 4.5.2 for the addition of one-story master bath and laundry. Exterior finishes and treatments to match existing in style and materials. This property is located on Map 222, Lot 25 and in the RB Zone.

William McIver, Petitioner, came forward. Mr. McIver said the addition would blend in with the neighborhood. This addition is consistent with abutters' properties and properties in the general area. This will also increase the value of this and surrounding properties. Mr. McIver went through the five criteria and said he felt they had been met.

Questions from the Board

Chairman Provencal complimented Mr. McIver on his plot plan. Mr. St. Pierre complimented Mr. McIver on his five criteria.

Mr. O'Brien said Drawing A-2 shows the north elevation with 9.21' to the property line. Drawing A-3 shows 8.11'. Mr. O'Brien said he would like Drawing A-2 be changed to 8.11'.

Ms. Collins said this is a great plan for a great house.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. O'Brien, seconded by Mr. St. Pierre, to grant Petition 10-16 with the condition that the addition be no closer than 8.11' to the property line and that the drawing will be corrected to show that.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

11-16...The petition of The Pines Ocean Boulevard, LLC for property located at 9A Ocean Blvd. seeking relief from Article 4.5.1 to place a projecting reader-board sign measuring no more than 4' x 4' at the front of and perpendicular to the building that would overhang the sidewalk. This property is located on Map 296, Lot 125-1 and in the BS Zone.

Attorney Peter Saari, Casassa & Ryan, came forward. Attorney Saari said this sign would not change the character of the neighborhood and would be consistent with many other signs of this type on Ocean Blvd. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. Lessard said he would like to have been able to see a picture of the sign. Ms. Collins agreed.

Mr. St. Pierre asked if this would be a changeable copy sign. Attorney Saari said it would be. Chairman Provencal asked if it would be full color. Attorney Saari said yes.

Mr. O'Brien asked if the sign could be put down at the other end of the building. Attorney Saari said they could do this.

Comments from the Audience

Claudia Cavallaro, 62 Phillips Street, said her apartment is situated so that the flashing light from the sign would be very disturbing. The sign would also be an obstruction to her driveway. Parking is a problem. A strong wind could drive the sign right into her apartment.

Back to the Board

Moved by Mr. O'Brien, seconded by Mr. St. Pierre, to grant Petition 11-16 with the condition that the sign be located over the center of the south door and that Petitioner has

been advised of the one-minute time changing ordinance for a reader board sign. Sign must be further than .1 feet from the lot line.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

12-16...The petition of Thomas E and Eileen M Minior, Trustees of the Minior Family Revocable Trust for property located at 18-20 Concord Ave. seeking relief from Article IV, Sections 4.1, 4.1.1, 4.2, 4.3, 4.5.1, 4.5.2 and 4.5.3 to demolish existing two (2) unit cottage (front dwelling) and replace with year-round residence. The existing single unit (rear building) shall remain in place as a rental unit. This property is located on Map 296, Lot 117-1 and in the RB Zone.

Thomas Minior, Petitioner, and Attorney Stephen Ells came forward. Attorney Ells said that after talking to the Building Inspector he felt it was safe to withdraw their request for 4.5.2 and 4.5.3. Attorney Ells said this is very similar to the petition for 4 Atlantic a few months ago. This is in the RB District, but Mr. Schultz's interpretation is Footnote 7 does not apply because this was re-surveyed in 1983-84. Attorney Ells said the Miniors want to demolish an existing two-unit cottage in front of the property and replace with a year-round residence. The existing single unit rear building will remain as a rental unit. Attorney Ells went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. St. Pierre asked about the existing front setback to the drip edge. Attorney Ells said it was 39 inches to four feet. Mr. St. Pierre said this would be an improvement.

Ms. Collins asked about impervious surface. Attorney Ells said it would be 50%. The requirement is not more than 60%.

Comments from the Audience

Helena Barthell, abutter, said she would offer enthusiastic support for this petition.

Back to the Board

Moved by Mr. O'Brien, seconded by Mr. Lessard, to grant Petition 12-16 with the condition that the front setback be four feet to the drip edge.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

13-16...The petition of 230 Exeter Road, LLC for property located at 230 Exeter Rd. seeking relief from Article 4.2 and 4.3 to subdivide a 13.66 (plus or minus) acre parcel of land into two single family lots each with 108 feet of frontage and lot width and each with more than 35,000 square feet of area, the balance of the land to be conservation land. This property is located on Map 68, Lot 7-2 and in the RA/G Zone.

Peter Ross, Petitioner, and Attorney Peter Saari came forward. Attorney Saari said Mr. Ross has decided that the best use for this land is to have two single-family dwellings with the rest of the land being donated to the Town. Each of the two lots is oversized. There is 108 feet of frontage. This is 17 feet short and also 17 feet short on lot width. Mr. Ross has squared off both of the properties at the request of an abutter. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. O'Brien asked if the notch on lot 1 could be filled in thereby creating some uplands. The house could be more perpendicular to the road. Chairman Provencal said he would rather see the building square to the road. Attorney Saari agreed that this could be done.

Mr. Lessard said he felt this was the best use of this property. Ms. Collins said it is a better plan than previous ones. Chairman Provencal said this would have minimal impact with tremendous value to the Town.

Comments from the Audience

Scott McNally, abutter, said he was not sure about the hardship. He said he did not know why abutters should have to contend with two homes when it is a one-family lot. Mr. McNally said he would want to make sure the gift to the Town is permanent.

Back to the Board

Chairman Provencal said a deed restriction could be put on the donation to the Town so nothing can be built on it.

Mr. St. Pierre said he thinks this is the best opportunity for this property.

Moved by Mr. O'Brien, seconded by Chairman Provencal, to grant Petition 13-16 with the following conditions: That the west side house be squared to the road. That the L-shaped lots be reconfigured into rectangular lots. That Lot 3 be donated to the Town as permanent conservation land (open space). That the contract with the Board of Selectmen be made after the mortgage transfer of title has taken place. This will need approval of the Planning Board.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

14-16...The petition of Gordon R & Susan E Whicher for property located at 30 Cliff Ave. seeking relief from Article 1.3, 4.5.1 and 4.5.2 to renovate the existing century old building which would include widening the garage, squaring off the living area, relocating the porch and expanding the second floor, where the existing building is nonconforming as to side and front setbacks. This property is located on Map 267, Lot 43 and in the RA Zone.

Susan Whicher, Petitioner, and Attorney Peter Saari came forward. Attorney Saari said this property is non-conforming as well as the neighbors' properties. Attorney Saari went through the five criteria and said he felt they had been met.

Questions from the Board

Mr. Lessard asked if the second floor would be within the same footprint. Ms. Whicher replied that it would.

Comments from the Audience

There were no comments from the Audience.

Back to the Board

Moved by Mr. O'Brien, seconded by Ms. Collins, to grant Petition 14-16.

Chairman Provencal asked the Board if they felt the five criteria had been met. All members agreed that they had.

Vote: 5 yes, 0 no. Motion passed unanimously.

BUSINESS SESSION

Adoption of Minutes

The Minutes of March 17, 2016 and April 21, 2016 will be reviewed at the next meeting.

Rules of Procedure

Mr. O'Brien said he had reviewed the Rules of Procedure and did not see any need for changes.

Moved by Mr. O'Brien, seconded by Ms. Collins, to approve the existing Rules of Procedure for the coming year.

Vote: 5 yes, 0 no. Motion passed unanimously.

Adjournment

Moved by Mr. O'Brien, seconded by Mr. Lessard, to adjourn the meeting at 9:48 p.m.

Vote: 5 yes, 0 no. Motion passed unanimously.

Respectfully submitted,

Joan Rice
Secretary